

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

Janine LaVigne, on behalf
of herself and all others
similarly situated,

Plaintiff,

Civil Action No. 1:15-cv-00934-WJ-LF

vs.

First Community Bancshares, Inc.;
First National Bank Texas;
DOES 1-10 inclusive,

Defendants.

DEPOSITION OF JANINE LAVIGNE

February 23, 2016

11:20 a.m.

612 First Street, NWk
Albuquerque, New Mexico 87102

PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE
this deposition was:

TAKEN BY: William S. Helfand, Esq.
Attorney for Defendants

REPORTED BY: Joe Jameson, NM CCR # 67
Kendra Tellez Court Reporting, Inc.
302 Silver Ave., SE
Albuquerque, New Mexico 87102

EXHIBIT A

23 Q. (By Mr. Helfand) Did you talk to somebody who
24 called, each time somebody from First Community Bank
25 called or did some of the calls go to your voice mail?

1 A. Both situations. Sometimes I talked to
2 somebody and other times I would let the call go or it
3 would go to voice mail anyway.

6 Q. Now, do you recall the number of times -- I
7 know you don't recall the specific number of calls. You
8 think it may be between 195 and 265. Do you recall the
9 number of times you actually spoke to someone when
10 somebody called?

11 A. Probably about 70 percent of the calls.

21 Q. Did you always stay on the line in response to
22 the request that you stay on the line or did you
23 sometimes hang up before either the man or woman came on?

24 A. If I picked it up I would stay on the line.
25 If I did not pick up the call I would not acknowledge it.

2 Q. I don't know and I can't answer your
3 questions. I might have an opinion that is different
4 from yours or your attorney's so it really wouldn't
5 matter. My question was -- just explain to me. You are
6 on the phone with a lady who you are asking to help get
7 the calls to stop, right?

8 A. Correct.

9 Q. That's the purpose to try to get the calls to
10 stop, right?

11 A. Yes.

12 Q. By then you had already consulted with a
13 lawyer to try to get them to help get the calls to stop?

14 A. Yes.

15 Q. But the calls hadn't stopped even when you
16 hired a lawyer to do that very thing, right?

17 A. Correct.

18 Q. My question is, you chose not to tell Sylvia
19 that you hired a lawyer for that purpose, right?

20 A. I didn't tell her.

21 Q. That's right and my question, why did you
22 choose not to do that?

23 MR. TAYLOR: Objection.

24 A. I don't know.

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12 CERTIFICATE OF DEPOSITION

13 I, JOE JAMESON, CCR No. 67, DO HEREBY CERTIFY that
14 on February 23, 2016, the deposition of JANINE LAVIGNE
15 was taken before me at the request of, and sealed
16 original thereof retained by:

17 ATTORNEY FOR DEFENDANT
18 WILLIAM S. HELFAND, ESQ.
19 1200 Smith Street, Suite 1400
20 Houston, Texas 77002

21 I FURTHER CERTIFY that copies of this certificate
22 have been mailed or delivered to all counsel, and the
23 parties to the proceedings not represented by counsel,
24 appearing at the taking of the deposition.

25 I FURTHER CERTIFY that examination of this
transcript and signature of the witness was requested by
the witness and all parties present. On 2016,
a letter was mailed or delivered to counsel regarding
obtaining signature of the witness, and all corrections,
if any, were appended to the original and each copy of
the deposition.

I FURTHER CERTIFY that the reasonable cost of the
original and one copy of the deposition, including
exhibits, to William S. Helfand, Esq. is \$_____.

1 I FURTHER CERTIFY that I did administer the oath
2 to the witness herein prior to the taking of this
3 deposition; that I did thereafter report in stenographic
4 shorthand the questions and answers set forth herein, and
5 the foregoing is a true and correct transcript of the
6 proceeding had upon the taking of this deposition to the
7 best of my ability.

8 I FURTHER CERTIFY that I am neither employed by
9 nor related to nor contracted with (unless excepted by
10 the rules) any of the parties or attorneys in this case,
11 and that I have no interest whatsoever in the final
12 disposition of this case in any court.

A handwritten signature in blue ink that reads "Joe Jameson". The signature is written in a cursive style with a horizontal line underneath it.

13 JOE JAMESON, RPR
14 Certified Court Reporter No. 67
15 License Expires: 12/31/16
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